

JORDAN ETH (BAR NO. 121617)
JEth@mofo.com
JUDSON E. LOBDELL (CA SBN 146041)
JLobdell@mofo.com
MORRISON & FOERSTER^{LLP}
425 Market Street
San Francisco, California 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

Attorneys for Defendants Thomas H. Werner,
Thurman J. Rodgers, W. Steve Albrecht,
Betsy S. Atkins, Uwe-Ernst Bufe,
Thomas R. McDaniel, Pat Wood, III,
Dennis V. Arriola, Emmanuel T. Hernandez,
Daniel S. Shugar, Douglas J. Richards,
Bruce R. Ledesma, Marty T. Reese,
and nominal defendant SunPower Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE SUNPOWER CORPORATION)	Master File No. C 09-05731-CRB
SHAREHOLDER DERIVATIVE)	
LITIGATION)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING CASE
)	MANAGEMENT CONFERENCE
<hr/>		
This Document Relates To:)	
)	Hearing Date: March 5, 2010
ALL ACTIONS)	Hearing Time: 10:00 a.m.
)	
)	

1 WHEREAS, this is a consolidated shareholder derivative action against certain of the
2 officers and directors of SunPower Corporation (“SunPower”);

3 WHEREAS, on November 16, 2009, SunPower issued a press release announcing an internal
4 investigation by its Audit Committee;

5 WHEREAS, SunPower has not yet announced the results and completion of its internal
6 investigation;

7 WHEREAS, pursuant to the order entered on January 4, 2010, within ten (10) days after
8 the completion and public announcement of SunPower's internal investigation, the parties will
9 meet and confer in good faith to arrange a schedule for the designation of an operative complaint
10 or the filing of a consolidated derivative complaint (“Consolidated Complaint”) and a briefing
11 schedule concerning any responsive pleading to the Consolidated Complaint; and

12 WHEREAS, it would be premature and an inefficient use of judicial resources to hold a
13 case management conference in this consolidated action before an operative complaint were
14 designated or a Consolidated Complaint were filed;

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED among the
16 undersigned parties as follows:

17 (1) Within ten (10) days after the public announcement of the results and completion
18 of SunPower’s internal investigation, the parties will meet and confer and propose to the Court a
19 new date for the Case Management Conference;

20 (2) Defendants’ undersigned counsel hereby accepts service of the complaints filed in
21 the two consolidated shareholder derivative actions on behalf of all Defendants.

1 DATED: February 18, 2010

MORRISON & FOERSTER LLP

JORDAN ETH

JUDSON E. LOBDELL

4 /s/ Judson Lobdell

JUDSON LOBDELL

5 Counsel for defendants Thomas H. Werner,
6 Thurman J. Rodgers, W. Steve Albrecht, Betsy
7 S. Atkins, Uwe-Ernst Bufe, Thomas R.
8 McDaniel, Pat Wood, III, Dennis V. Arriola,
9 Emmanuel T. Hernandez, Daniel S. Shugar,
Douglas J. Richards, Bruce R. Ledesma, Marty
T. Reese, and nominal defendant SunPower
Corporation

10 DATED: February 18, 2010

JOHNSON BOTTINI, LLP

FRANK JOHNSON

FRANCIS A. BOTTINI, JR.

BRETT M. WEAVER

13 /s/ Brett Weaver

BRETT M. WEAVER

14 501 W. Broadway, Suite 1720
15 San Diego, CA 92101
16 Telephone: (619) 230-0063
Facsimile: (619) 238-0622

17 Co-Lead Counsel and Counsel for Plaintiff
David Clarke

18 DATED: February 18, 2010

ROBBINS UMEDA LLP

MARC M. UMEDA

GEORGE C. AGUILAR

ARSHAN AMIRI

DAVID L. MARTIN

22 /s/ David Martin

DAVID L. MARTIN

23 600 B Street, Suite 1900
24 San Diego, CA 92101
25 Telephone: (619) 525-3990
Facsimile: (619) 525-3991

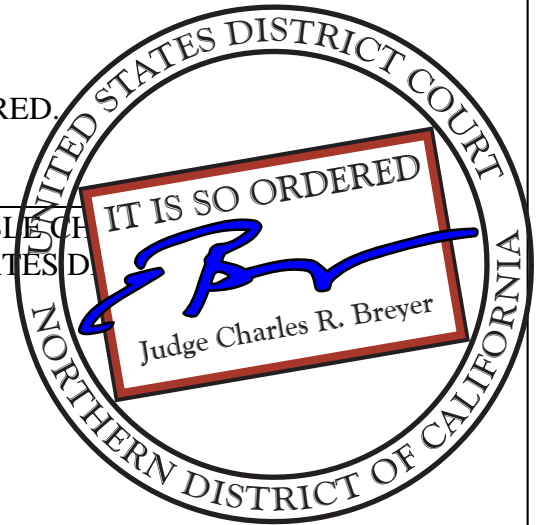
26 Co-Lead Counsel and Counsel for Plaintiff
27 Richard Logan

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: Feb 22, 2010

THE HONORABLE CH
UNITED STATES D



1 I, Judson Lobdell, am the ECF User whose ID and password are being used to file this
2 Stipulation and [Proposed] Order Continuing the Case Management Conference. In compliance
3 with General Order No. 45, X.B., I hereby attest that Brett Weaver and David Martin have
4 concurred in this filing.

5
6 Dated: February 18, 2010

/s/ Judson Lobdell
JUDSON LOBDELL